

**Benton County Planning Board
Public Hearing Minutes
January 16, 2008, 5:30 p.m.**

Call to Order & Roll Call: The following Benton County Planning Board members were present: Scott Borman, Mark Gray, Caleb Henry, Bill Kneebone, Tim Sorey, and Heath Ward. Adele Lucas was absent. The following Benton County Planning Office staff members were present: Ashley Pope, Kathleen Davis, and Karen Stewart.

Announcements: Staff made no announcements.

Other Business:

1. Judge Gary Black – Formation of Committee

Judge Black stated that the topics of land use and zoning come up more and more often as northwest Arkansas grows. He said that when he first came into office, the Farm Bureau attended Planning meetings for the express purpose of opposing zoning, but since that time, the Farm Bureau has been included more in the decision-making process and that they are more accepting of planning concepts. He asserted that this is a big issue and stated that a committee was needed to study the issue. He stated that the Planning Board should take leadership of the committee, which would be comprised of Planning Board members, members of the Quorum Court and citizens of Benton County; he added that he would have some individuals to recommend for the committee. Judge Black said that meetings should be held in different areas of the County and that all sides of the issue, pro and con, needed to be weighed. He stated that the issues faced by Planning cannot be handled by the Planning Board alone. He assured the Board that he did not need an answer during this meeting.

Judge Black told the Board that he understood how important their job is, stating that he doesn't normally attend the meetings in the interest of letting the Board do its job. He added that the reason he attended this meeting is because of the importance of the land use and zoning issues; he encouraged them to "get all the players together and talk about it." He stated that he felt that trying to handle the zoning issue without forming a committee would be too great a burden on the Board.

Mr. Sorey asked the judge if this committee had been discussed by the Quorum Court yet; Judge Black shook his head "No." Mr. Sorey agreed with the Judge's assessment of the importance of the land use and zoning issues, but stated that it was his opinion that the Board should obtain the support of the Quorum Court before investing any time or effort into what could be a futile effort.

Judge Black said that it was not necessary for the Quorum Court to agree; he asserted that this was too big of an issue and that it must be brought before the public. He stated that he had discussed the matter with Ms. Pope and that they agreed that these issues must be brought "to the people." Judge Black assured the Board that he would obtain the "blessing" of the Quorum Court if that was what the Board wanted; he stated that the Quorum Court would meet the following week and he would bring it up with them then.

Mr. Sorey stated that, personally, he would like to have the assurance that the Board has the approval of a good percentage of the Quorum Court before the Board expends time on the issue. Judge Black stated that he didn't believe that the Quorum Court would not go forward with such an important issue.

Mr. Ward concurred with Mr. Sorey, stating "This County is growing and if it falls on deaf ears, then so be it, we'll proceed with what we've been doing and make due." He went on that some sort of general plan was becoming necessary with the growth in the County.

Mr. Kneebone stated that the last time zoning in the county was brought up it fell on deaf ears.

Judge Black stated that it would be no different this time and that some had already expressed how they felt about planning and environmental issues, but felt that the majority of the Quorum Court would support the Board's efforts.

New Business:

1. Variance from Setback Request - **Cloverdale Estates** - 13692 Cloverdale Road, Rogers - Kristin & Jason Holland

Kristin Holland, of 13692 Cloverdale Road in Rogers, represented the variance request.

Ms. Pope stated that the applicant had met all stipulations from the TAC meeting and had submitted new plats; Staff supported the variance request. Ms. Pope stated that she had photographs of the site if the Board wished to see them; they did not.

Mr. Sorey opened the matter for public comment: there was none.

Mr. Kneebone made a motion to approve the variance request; Mr. Borman seconded the motion. All Board members in attendance voted in favor of the motion. The motion was passed.

2. Large Scale Development - **Mulch Colored & Plain, LLC** - 15596 Roberts Loop, Rogers - Donna Martinez

Donna Mack Martinez, whose mailing address is P.O. Box 996 in Rogers, represented the large scale development; her husband, Domingo Martinez, was also present.

Ms. Pope stated that the applicant was present to receive any public comment on the matter; the two stipulations from the TAC meeting had not been satisfied. Staff recommended tabling the project.

Mr. Sorey opened the matter for public comment:

David Nees, of 15250 Roberts Loop, stated that he was the Martinez's neighbor to the west. Mr. Nees handed out some information to the Board. He said that his main concern was drainage, since the proposed project is at the top of a mountain. His secondary concern is the creek on the Martinez's property that flows onto his property; he asserted that he is tired of picking up tires and trash. He stated that, as a property-rights advocate, he had no issues with them making a living on their

property, but he objected to their trash ending up on his land. He added that the creek flows into another creek, then ultimately into the lake. The last concern he addressed was the noise level of the business; he stated that he had heard the business in operation up to 11 p. m.

Mr. Sorey asked about the noise; Mr. Nees stated that that was not his greatest concern, but did say that there were bulldozers on the property. Mr. Nees reiterated that his main concern was the drainage issue.

Ms. Pope stated that the Board had discussed at the TAC meeting that the applicant would need to provide a site plan showing the layout of the site and a drainage letter. Mr. Borman concurred, adding that the drainage letter was required since no topographic information was provided in the original submittal. He also expressed his concern regarding where the drainage from the property would go.

Mr. Ward agreed that the drainage was an overriding concern and stated that the surrounding area and the environment needed to be taken into consideration.

Mr. Sorey asked if the applicant had done anything to work towards meeting the stipulations given to them at TAC; Mrs. Martinez stated that she had "spent 2 ½ hours in the Yellow Pages with the engineers," and that she had contacted Adam Roark of CEI, who was willing to work on the project. She added that the Fire Marshal had been to the site to photograph it for Ms. Pope and she asserted that "he said there wasn't any problem and that we didn't need to do the plat."

Mr. Sorey stated that "That's not for the Fire Marshal to decide. His is an onsite inspection of the fire issues - he doesn't regulate the large scale development plans, that's this Board's job."

Mrs. Martinez stated that that was why she had postponed allowing Mr. Roark to proceed, since she had been told that she wouldn't need the plat.

Mr. Sorey stated that the required items would most likely not have been ready for this meeting anyway; he asked the Board for any further comments.

Mr. Ward assured Mrs. Martinez that no one on the Board was "against" her running a business on her property, but stated that certain requirements needed to be met to ensure that the surrounding property owners were also satisfied.

Mrs. Martinez requested that the project be tabled until Adam Roark of CEI can complete his part of the project. She also asserted that the trash that Mr. Nees alleged was coming from their property was from a previous owner. She stated that they had been working with Environmental Services Officer Joyce Higgins and had cleaned the area in question.

Mr. Kneebone made a motion to table the large scale development; Mr. Borman seconded the motion. All Board members voted in favor of the motion. The motion was passed.

3. Lot Split - **Ozark Estates, Lot 8** - Stage Coach Road, Gravette - Caster & Associates

There was no representation for this project. This lot split was discussed with the lot splits for lots nine and ten.

4. Lot Split - **Ozark Estates, Lot 9** - Stage Coach Road, Gravette - Caster & Associates

There was no representation for this project. This lot split was discussed with the lot splits for lots eight and ten.

5. Lot Split - **Ozark Estates, Lot 10** - Stage Coach Road, Gravette - Caster & Associates

There was no representation for this project; this lot split was discussed with the lot splits for lots eight and nine.

Ms. Pope stated that the applicant did not have a representative present and that they had made their apologies to Staff. She stated that they had met all stipulations on the lot splits for lots 9 and 10, but was missing verbiage on lot 8 about the buffer between the access easement and the adjacent property line; Staff recommended approval subject to stipulations.

Mr. Sorey opened the matter for public comment: there was none.

The Board discussed the required setbacks and buffers; Mr. Ward stated that the Board's concern had been the location of the driveway. Mr. Sorey stated that there is a 30-foot access easement, dedicated by the plat, on lots 10A and 9B to allow access to lot 8A. The Board's concern was that the applicant not be allowed to build a driveway directly on the property line, so they required a 5 foot setback from the property line; Mr. Sorey asked where the 10-foot buffer requirement had come from. Ms. Pope stated that that was what was shown in the minutes of the TAC meeting and implied that there may have been some miscommunication.

Mr. Sorey clarified that there had been a comment regarding an existing driveway that angled across the property that needed to have an easement. He clarified that "the existing gravel drive serving the house on lot 9A actually falls outside of the property of lot 9A; therefore it needs some type of access easement... lot 8B needs some type of access easement dedicating the right to keep that gravel driveway there."

Staff recommended approval of the lot splits, subject to the corrective stipulations made by the Board.

Mr. Kneebone made a motion to approve the lot splits subject to stipulations; Mr. Gray seconded the motion. All Board members voted in favor of the motion. The motion was passed.

- Lot 8B needs an access easement for lot 9A (access to Stage Coach Road)
- North line of 10A and 9B needs to have a 5-foot buffer noted (not a 10-foot buffer)
- North 8A driveway setback is unnecessary.
- "Lot 9, Ozark Estates" needs to show lots 9A and 9B.

6. Large Scale Development - **Sulphur Springs Cell Tower** - 507 Oak Lane, Sulphur Springs - Verizon Wireless/General Dynamics

Adam McBrayer represented the proposed cell tower.

Ms. Pope stated that the applicant had notified the railroad of the project and submitted revised plans, satisfying the Board's requirements. Ms. Pope stated that she had checked the parcel layer maps, which showed that the railroad does not own the land and that there is no ownership attached to the area. She said that no comment was received from the railroad.

Mr. Sorey opened the matter for public comment: there was none.

Mr. Sorey stated that the applicant had gotten the drive into the easement by "tightening up the radius on that inside curve."

Mr. Borman made a motion to approve the large scale development; Mr. Ward seconded the motion. All Board members voted in favor of the motion. The motion was passed.

7. Variance from Large Scale Development - **Tow Mate** - 15827 Serenity Point Lane, Rogers - William Bryan Anderson

Bryan Anderson represented the requested variance from large scale development.

Ms. Pope showed pictures of the site and stated that the applicant is constructing a 1200-square-foot building, adjacent to his house, which is surrounded by the Serenity Point subdivision near Beaver Lake. She stated that the applicant is requesting a variance from the large scale development requirements. She said that this project came to Staff's attention through the building permit process.

Mr. Anderson stated that he bought the property and began his home-based business 13 years ago. He employs 3 of his sons-in-law, his daughter, one of his neighbors, and one other person. He stated that they "manufacture or assemble radio-controlled taillight systems for the tow truck industry, utility companies, the RV market..." He said that they have outgrown their current location and simply need more space. He stated that he built the building not knowing of Benton County's requirements for a building permit and that he only learned of the requirement when he attempted to have electricity connected to the building. Carroll Electric refused to service the building until it passed an electrical inspection by a Benton County Building Inspector. He

stated that he attempted to properly adhere to the rules and while filling out the application for a building permit, he indicated that the project was commercial. He reiterated that his is a home-based business that has been in operation for 13 years, adding "and yet, all of a sudden, that puts me into quote the large scale development thing." He informed the Board that he has land on Union Street in Rogers on which he plans to build a manufacturing facility in the future, but needs to stay in his current location for now. He stated that there is no plumbing in the building. He informed the Board that the Building Inspector had been out to the site that day and was requiring that Mr. Anderson add eight supports or piers underneath the building; he asserted that the Building Inspector assured him that once the project had been through the large scale development processes that he would "pass" the building.

Ms. Pope stated that this case was a difficult one, since the building is only an accessory building that is being used for extra space, but she pointed out that the Board had required others to complete the large scale development process simply because they were engaging in commercial activity.

Mr. Ward asked where the lake would be in relation to the property; Mr. Anderson answered that it would be across from the property in the direction of the parking lot.

Mr. Anderson interjected that he owns the first house on the left of the neighborhood entrance and that he had just spent \$11,000 to remove the siding and replace it with brick and stone so that it "fits in" to the neighborhood. He stated that he has a vested interest in maintaining property values in his neighborhood. He added that the new building is being prepared for natural stone facing and that the older home on the same property is also being updated.

Mr. Sorey asked if the older home on the property was the one in which the applicant had been operating the business; Mr. Anderson stated that it is. Mr. Sorey clarified that the business was being expanded into the new building; Mr. Anderson agreed that it is, and added that he had to obtain a new 911 address for the new building since it will be on a separate electrical meter.

Mr. Sorey asked, "We don't have any public comment because there is no notification?" Ms. Pope stated that there was none on the variance request. Mr. Sorey then asked for Board discussion.

Mr. Borman stated that in the interest of consistency, he would have difficulty granting a full variance from all of the large scale development requirements and that at least some of the requirements would have to be met. He added that the current Benton County ordinances do not differentiate between types of businesses.

Mr. Anderson reiterated that he had been operating his business in this location for 13 years, and asserted that he had been there longer than any of the neighbors. He added that his neighbors are all good friends and that he is a member of the POA. He reiterated that he is interested in maintaining the property values in the neighborhood. He stated that this would not be a business location forever and that he would build on his industrial property at some point in the future, but that he was unable to do so at this time.

Mr. Ward concurred with Mr. Borman, stating that the Board would need to have at least some of the large scale development requirements met. He said that the Board must be consistent, that they could possibly grant a variance of some of the requirements, but not all of them.

Mr. Kneebone asked what part of the requirements would be waived; Mr. Sorey gave the example of the mulch business that the Board had heard earlier in the evening being required to "tie down" their operations to one acre, instead of be required to submit a full survey.

Mr. Anderson informed the Board that he had had surveyors at his property today, that they were preparing "the large scale development packet," and that they would return the following day to complete the topographical and floodplain information; Mr. Sorey stated that what the surveyors are doing would likely fulfill the majority of the Board's requirements. He added that the other major requirement would be notification of adjacent property owners, which might not be an issue, since Mr. Anderson is "well-accepted" in his community.

Mr. Anderson asked if there was any way that he could have power to the building while he is going through this process; Ms. Pope stated that she did not believe that the Board had that authority. Mr. Sorey concurred, adding that it would have to be worked out with the building inspection staff and the electric company. Mr. Anderson stated that the building inspector told him that it could be approved if the project had "the blessing of the Board."

Mr. Sorey prefaced his remarks by saying that he did not believe that any of the Board members had any real concerns regarding what Mr. Anderson is doing, but offered to play devil's advocate. He stated that if they allowed Mr. Anderson to have power run to his business, then all of his neighbors protest his operations and the Board denies the project, Mr. Anderson will have invested in a losing proposition. Mr. Sorey suggested that he could run power to the building on his own and at his own discretion; Mr. Kneebone suggested applying for temporary power.

Mr. Sorey explained that according to Benton County's regulations, anything that is non-residential is large scale development.

Mr. Borman made a motion to approve the variance request; Mr. Ward seconded the motion. All Board members voted against the motion. The motion was denied.

Mr. Sorey stated that the applicant needed to visit with Staff regarding what would be required for the large scale development. He suggested that a drainage letter from an engineer (rather than a drainage report) would suffice; Mr. Henry concurred, stating that he had no major concerns. Mr. Sorey stated that the Board would need to see the survey and hear any comments from the adjacent property owners, as well as address concerns regarding adequate parking.

Mr. Anderson asked if there was a County setback; Mr. Sorey answered that there is a County setback. Mr. Anderson then stated that his building is 6 inches from the property line; Mr. Sorey stated that that would not meet County setbacks, but that Mr. Anderson could apply for a variance from the setback requirements. Mr. Sorey stated

that, as part of the large scale development process, the Board could have assisted Mr. Anderson in orienting the building on the lot so that it met requirements. He added that they cannot grant a variance "without discretion, but obviously you're in a situation here that as long as it doesn't pose a health/safety issue, I don't know why we wouldn't grant another variance for a building setback." He stated that the Board normally places constraints on building setback variances, such as not allowing re-construction within the setback.

Mr. Anderson stated that the surveyor assured him that his work would be completed in time for the Planning meeting at the end of the month; Mr. Sorey clarified that the Planning deadline is at the end of the month, the TAC meeting is the first Wednesday of the month and the public hearing meeting is the third Wednesday of the month.

Mr. Anderson asked if he should do the notifications prior to that; Mr. Sorey stated that the packet should let him know when to send notifications - "about 14 days prior to the voting meeting." Mr. Anderson asked if he was supposed to notify everyone within a thousand feet of his property; Mr. Sorey informed him that he needed to inform adjacent property owners.

8. Lot Split - **E.P. Kistler Subdivision – Lot 10B** – 10103 Gramling Road , Rogers - Metropolitan Real Estate, LLC - Trey Weaver

Real estate broker Trey Weaver, of 6513 Hearthstone Drive, Rogers, represented the lot split.

Ms. Pope stated that there had been some miscommunication between Mr. Weaver and Staff, so his proposed lot split was placed on the agenda as a courtesy. She said that the proposed lot split is near Cloverdale Road and is within the City of Rogers' planning area; the applicant has already received the approval of the City of Rogers. She said that the only reason this lot split was being brought before the Board is that it is within a subdivision; the lot had been previously split. She stated that Staff had no objections.

Mr. Sorey asked if both mobile homes shown on the plat were on the site currently; Mr. Weaver stated that they are. Mr. Kneebone asked if they were both occupied; Mr. Weaver stated that one is currently, but that they would both be occupied.

Mr. Sorey opened the matter for public comment: there was none.

Mr. Sorey clarified that this is a variance request on a previously-split lot in a subdivision; Ms. Pope agreed that that was the case. Mr. Sorey asked if there were any other issues with the request; Ms. Pope stated that there were none. Mr. Sorey verified that the City of Rogers had already approved the lot split; Ms. Pope stated that that was true.

Mr. Ward stated that the well-house and the shed were located on the plat and asked if there was any reason that the septic system would not be shown; Mr. Weaver stated that that was part of the miscommunication with Staff, saying, "By the time that these had been reprinted a second time and approved by the surveying company, that was not on the formal list of requirements to be on there."

Mr. Gray stated that there was also an issue with a driveway crossing over another lot, so an access easement would be required. Mr. Sorey concurred and stated that Blew & Associates should have known to show the easement and septic system, since they had brought projects before the Board in the past. Mr. Sorey stated that those were legitimate items that must be shown before the Board could approve the lot split.

Mr. Weaver informed the Board that this lot split is "a really time-sensitive real estate transaction, and those requirements could have been fulfilled had I known about them prior and also been able to pass them on to the surveying company before I appeared before you tonight."

Mr. Sorey asked when the applicant's closing would be; Mr. Weaver stated that it would be immediately upon approval by the Board. Mr. Sorey asked if it would take place tonight after the meeting; Mr. Weaver conceded that it would probably be held within a day or two of the Board's approval.

Mr. Sorey assured Mr. Weaver that he did not want to put the applicant "in a bad way," but stated that the Board needed to ensure that the plat is filed properly and does not cause issues in the future. He asked Mr. Weaver if both existing mobile homes had septic systems; Mr. Weaver stated that they do and added that the title company has already drawn up the access easement for the driveway.

Mr. Borman asked where the mobile home to the north was obtaining water; Mr. Sorey stated that a water meter and a well house are shown on lot 10B2, but neither is shown on 10B1. Mr. Weaver stated that his transaction consisted only of the two acres that are being conveyed to his buyer, adding that he did not know the answer to the question, but that he could find out. Mr. Borman stated that if there is a well on lot 10B1, it needs to be shown on the plat.

Mr. Sorey stated that he would assume that the mobile home is on public water due to the water meter shown on lot 10B2 on the plat. Mr. Weaver stated that he believed that they are on County water. Mr. Henry stated that there is a hydrant shown on the plat.

Ms. Pope stated that all of the Board's requirements are reasonable and that Blew & Associates should place the items on the plat. Mr. Borman and Mr. Ward both agreed.

Mr. Sorey asked Mr. Weaver if he had to have the filed lot split recorded with the County before he would be able to close; Mr. Weaver stated that that was correct and added that this is a "bankruptcy situation and if the bankruptcy continues, then obviously the real estate transaction won't continue. But if we can get it thrown out of bankruptcy court and get through with the lot split then it will go forward." He added that it was also a foreclosure situation.

Mr. Sorey stated that the Board was sensitive to the situation, but that that was "not necessarily what we're here for." Mr. Sorey then clarified that the access easement document had already been prepared by the title company; Mr. Weaver stated, "Yes, by Waco Title." Mr. Sorey asked if it was a separate easement document from the plat and whether it was on the buy/sell contract; Mr. Weaver stated that it is not on the purchase contract and that the closer informed him that she would be drawing up the easement.

Mr. Sorey asked Mr. Gray if the easement would have to be shown on the plat if it was a separate document that would be filed for record with the County, and if a copy was provided to Staff. Mr. Gray stated, "It wouldn't if it already existed, but it technically doesn't exist until they sign it, which is not going to happen until closing, which is not going to happen... it's a Catch-22. Approving this blesses the fact that it's an encroachment." Mr. Sorey agreed that the Board should try to prevent this; Mr. Gray conceded that it could be addressed as a stipulation.

Mr. Borman asked if could be addressed as a stipulation, then allow Staff to handle the matter administratively. Mr. Sorey stated that Staff could review the outstanding stipulation and determine administratively whether or not they had been met.

Mr. Weaver objected to having corrections made, since "we've been charged each time we've had to have these reprinted." Mr. Ward suggested that Mr. Weaver let the surveyor know that he was "not a satisfied customer."

Mr. Borman made a motion to approve the lot split, subject to stipulations, and to authorize Staff to handle the lot split administratively once the stipulations are met; Mr. Ward seconded the motion. All Board members voted in favor of the motion. The motion was passed.

- Show the septic tank and lateral lines for lots 10B1 and 10B2
- Show the driveway easement to be recorded by Waco Title on the plat or provide a copy of the easement to Staff
- Show the water source on 10B1 (well / water meter)

9. Large Scale Development Variance Request – **Piney Point Fire Station** – Pine Top Road, Rogers - Gene Priebe

Gene Priebe of 8942 Rambo Road, Rogers, represented the variance request.

Ms. Pope stated that this large scale development variance request had just been submitted to Staff this week.

Mr. Priebe stated that he is on the Piney Point Volunteer Fire Department Board of Directors and that they are hoping to build their fifth fire station. He stated that the land on which the new station will be constructed will either be donated by or leased (99-year lease) from the Madison County Water District. He said that the new station will be setback from North Pinetop Road approximately 40 feet and will be a 1200-square foot, two-bay station with a bathroom. He informed the Board that water will be provided by the Madison County Water District and that there is an existing fire hydrant across the road from the building site where pumper trucks can be filled. He stated that the building would utilize a septic system.

Ms. Pope showed aerial photographs of the site; she stated that this fire station will be near the Lost Rock Ranch development that the Board approved (in December).

Ms. Pope reiterated that this is large scale development variance request; Mr. Borman apologized to Mr. Priebe, stating that the Board would need to have some of the large scale development requirements submitted. He stated that a site plan, topographical information, and a survey would be required as a minimum. He assured Mr. Priebe that some of the requirements would not apply to this project and suggested he meet with Staff regarding a detailed list of specific requirements.

Mr. Sorey asked if Staff normally waived the large scale development fee for fire stations; Ms. Pope answered that that was feasible and had been done in the past, recently for Hickory Creek.

Mr. Sorey verified that a drawing of how the building will sit on the site had been submitted to Staff; Ms. Pope stated that a sketch had been submitted. Mr. Sorey suggested that some quadrangle map information or topographical information from the County could be added to that. He stated that the septic must be shown on the site plan.

Mr. Borman stated that adjacent property owners would have to be notified; Mr. Priebe agreed that he would do that and stated that his neighbors were eager for the fire station to be built.

Ms. Pope stated that she would look at the Hickory Creek fire station's application to see what minimum information was required of them.

Mr. Sorey stated that "it seems crazy to me that somebody would object, because all it's going to do is help their fire rating, but we've got a responsibility to those neighbors."

Mr. Borman made a motion to approve the large scale development variance request; Mr. Ward seconded the motion. All Board members voted against the motion. The motion was denied.

Other Business:

The Board discussed the idea of the committee that Judge Black proposed at the beginning of the meeting. Mr. Borman stated it was "probably a good idea, if we get the Quorum Court's blessing," but noted that the number of participants should be limited to approximately 12 people in order to keep discussions manageable.

Mr. Sorey stated that he, Mr. Ward and Mr. Kneebone were at the previous Committee of 13 meeting and that they were directed to form an ad hoc committee on building permits comprised of themselves, plus three Quorum Court members and Ms. Pope. He asserted that if the Board moved forward with zoning, that he would like to see them have the same type of committee comprised of Quorum Court members, Planning Board members, Staff, and members of the public.

Mr. Henry asked if that part of the original intention when the Board began discussing the matter; Ms. Pope stated that it was in the scope of work for the general plan. Mr. Henry added that there is a form on Planning's website that citizens can use to express their interest; Ms. Pope stated that approximately 15 people had submitted those

forms so far. Mr. Ward stated that the Judge had a pool of people to draw from; Ms. Pope stated that there were professionals that Judge Black had also mentioned, such as Jeff Hawkins of Northwest Arkansas Regional Planning. Ms. Pope stated that the Judge had mentioned Justice Moore, but she said there should be more justices of the peace on the committee as well; Mr. Borman stated that the Board would welcome them.

Mr. Sorey stated that the Judge would take the idea of the committee to the Quorum Court and as long as they gave an answer other than "absolutely no," the Board would move proceed. Ms. Pope stated that if there were many people that wish to be involved in the process, the Board could consider organizing the committee so that it is manageable in order to avoid excluding any interested parties. She stated that "ultimately, the way it's spelled out in the law, is that zoning is a recommendation from this body, the Planning Board, to the Quorum Court."

Mr. Ward stated that zoning would come after a land use plan was established and would have to be enacted by an ordinance. Ms. Pope stated that that was correct and added that the land use plan would have to be adopted by the Quorum Court as well, but would not be regulatory.

Discussion of the ad hoc committee was concluded.

Mr. Sorey stated that he had been impressed by the way that the Committee of 13 meeting had been run and asked the Board to consider changing the way the Planning Board meetings are run. He stated that he was especially impressed by the way the public comments are handled: the meeting begins with a 30-minute open forum for public comment on any of the agenda items; each person is allotted three minutes. He stated that the Planning Board meetings seemed informal in comparison.

Mr. Kneebone stated that the meeting would be much more efficient; Mr. Borman said that having the public comment at the beginning of the meeting would allow developers to address the concerns being presented.

Mr. Sorey stated that he also liked the fact that JP Summers "acknowledged each one of the JPs that wanted to say something," letting each know in what order they would speak. Mr. Sorey stated that he felt that he kept Board members from talking sometimes - this system would allow greater freedom for Board members to express their views.

Mr. Sorey recognized Sue Elverston of Pea Ridge; she stated that her concern with having public comment at the beginning of meetings would be that sometimes people who come to the meetings don't understand what a project is until it is presented by Staff and the developer. Once they understand a project, they would not be afforded the opportunity to express any concerns that were raised during the presentation.

Mr. Sorey stated that he understood her point, but did not feel that during the meeting was the time to educate the public. He said, "If they have an interest, pro or con, they ought to educate themselves well enough to speak to it."

Ms. Elverston stated that the Board needed to educate the public. Mr. Kneebone stated that the main difference between the Committee of 13 meeting and the Board's meetings would be the number of agenda items; the Committee of 13 often has only a

few items in comparison to the 8 to 10 agenda items often on the Planning Board's agendas.

Mr. Ward asked how Staff responds if a property owner is not notified of a project on an adjacent parcel and they contact Staff to state that they have not been notified. Ms. Pope stated that applicants are required as part of the large scale development application to submit a return receipt from the Post Office showing that all adjacent property owners have been notified. The notifications are required to be mailed out 14 days prior to the Planning Board public hearing.

Mr. Sorey clarified that all that is required by Benton County regulation is that the applicant mail out the notifications - it is not required that adjacent property owners sign the "return receipt" card (proving that they received notification).

Mr. Borman changed the subject, stating that next month, he would have two items on the agenda, one of which would generate public comment that he would have to address, since the engineer would be unable to since it has to do with ADEQ permitting. He asked if he should excuse himself from the meeting, then have the engineer call him back into the meeting, if necessary. Ms. Pope stated that he could prepare a statement if he thought he could address any concerns in a letter. Mr. Borman stated that he could provide a copy of the letter he sent to ADEQ to address any concerns. Ms. Pope stated that if the Board required Mr. Borman to address a question or concern, he could be called back into the meeting.

Mr. Gray asked if a Board member recuses him or herself from a meeting if they are automatically considered a member of the public. Mr. Borman stated "It's not that easy," adding that he preferred to allow the engineer to handle the matter, but there are issues that may require his input.

Ms. Pope asked Mr. Borman to do his best to cover any potential issue in his prepared statement; Mr. Borman stated that he would.

Mr. Kneebone recounted an event that occurred when Jay Penix was on the Board, stating that Mr. Penix left his seat and went directly to the podium to speak on an agenda item; Mr. Sorey noted that this was perfectly legal, but raised ethical questions.

Mr. Sorey asked the Board if they wanted to change the way the meeting was run; Mr. Borman stated that he was in favor of it and that the public should have been notified and have educated themselves regarding agenda items before the meeting. Mr. Kneebone stated that there are not usually that many adjacent property owners for the project brought to the Board; Mr. Sorey noted that there were nine items on the agenda tonight and that only one person gave his opinion.

Mr. Kneebone suggested that if citizens are interested in projects in the County, they should attend the TAC meeting; Ms. Pope stated that, "They are not notified of the TAC meeting," she noted that many adjacent property owners are notified only of the date, time and that one of their neighbors is doing a project. Mr. Sorey suggested changing the current form used for notification to include verbiage stating that the public can learn about the project at the TAC meeting, but that no public comment will be heard. Ms. Pope pointed out that some applicants do not use the form, but draft their own

letter. Mr. Ward suggested requiring a statement directing adjacent property owners to Staff for further information.

Mr. Sorey stated that the form could be changed and be required to be sent out by the submittal deadline, which would be seven days before the TAC meeting; he added that a statement could be place on the form: "If you are unable to attend the TAC meeting and have questions, please contact Staff."

Mr. Ward asked if they decided to have public comment at the beginning of the meeting if the Board reserved the right to recall anyone who commented for further information. Mr. Sorey and Mr. Kneebone both responded that they always had that right.

Ms. Elverston commented that if the Board disliked the new format, they could always change it back, and the newspaper representatives present could ensure that the public is notified of the impending change.

Adjournment:

The meeting was adjourned at 7:00 p.m.